

**DECLARATION AND POWER OF ATTORNEY**

**37 CFR 1.63 DECLARATION:** As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: DIAL BACK E-MAIL SYSTEM USING BINARY PROTOCOL, the specification of which [X] is attached hereto, or [ ] was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

**DUTY OF DISCLOSURE:** I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR 1.56(a). [ ] In compliance with this duty, attached is an Information Disclosure Statement under 37 CFR 1.97.

**35 USC 119 PRIORITY:** I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign appl. for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing	Priority Claimed Under 35 USC 119
_____	_____	_____	[ ] Yes [ ] No
_____	_____	_____	[ ] Yes [ ] No

**35 USC 120 BENEFIT:** I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing	Status
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[ ] Patented [ ] Pending [ ] Abandoned

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: :  
Steven P. Koda (Reg. No. 32,252)

Send Correspondence to:

**KODA LAW OFFICE**  
**P.O. Box 10057**  
**Bainbridge Island, Washington 98110**

Direct Telephone Calls To:

**Steven P. Koda**  
**(206) 780-8336**  
**FAX (206) 780-8353**

**DECLARATION AND POWER OF ATTORNEY****INVENTOR(S):**

1	Inventor Full Name	Last Name Ballard	First Name Clinton		Middle Name or Initial L.
	Residence & Citizenship	City Suquamish	State or Foreign Country WA.		Country of Citizenship U.S.
	Post Office Address	Post Office Address 17700 Angeline Avenue	City Suquamish	State or Country Wa.	Zip code 98392

2	Inventor Full Name	Last Name	First Name		Middle Name or Initial
	Residence & Citizenship	City	State or Foreign Country		Country of Citizenship
	Post Office Address	Post Office Address	City	State or Country	Zip code

3	Inventor Full Name	Last Name	First Name		Middle Name or Initial
	Residence & Citizenship	City	State or Foreign Country		Country of Citizenship
	Post Office Address	Post Office Address	City	State or Country	Zip code

**18 USC 1001 DECLARATION:** I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**SIGNATURES:**

Signature Inventor 1 (Ballard)	Signature Inventor 2	Signature Inventor 3
Date 6/4/01	Date	Date

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Clinton L. Ballard,  
Serial No.: \_\_\_\_\_ Filing Date: Filed herewith  
Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_  
For: DIAL BACK E-MAIL SYSTEM USING BINARY PROTOCOL

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ACCELERATION SOFTWARE INTERNATIONAL CORPORATION  
ADDRESS OF CONCERN 1223 NW Finn Hill Road, Poulsbo, Washington 98370

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled DIAL BACK E-MAIL SYSTEM USING BINARY PROTOCOL by inventor(s) Clinton L. Ballard described in:

- ☒ the application filed herewith.  
☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held above by the identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).


\*Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Clinton L. Ballard  
TITLE OF PERSON OTHER THAN OWNER Chief Executive Officer  
ADDRESS OF PERSON SIGNING 1223 NW Finn Hill Road, Poulsbo, WA 98370  
SIGNATURE  DATE 6/4/01